

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	MARLO D. THOMAS,	Case No. 3:20-cv-00310-MMD-CLB
4		ORDER
5	v.	
6	TED HANF, <i>et al.</i> ,	
7		Defendants
8		

9 I. DISCUSSION

10 On May 27, 2020, Plaintiff, an inmate in the custody of the Nevada Department of
 11 Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed
 12 an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to
 13 proceed *in forma pauperis* is incomplete.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
 15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
 16 action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the
 17 inmate must submit all three the following documents to the Court:

18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
 19 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on
 20 page 3),
 21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
 22 official (i.e. page 4 of this Court's approved form), and
 23 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
 24 **previous six-month period**.

25 Plaintiff has not submitted an inmate account statement for the previous six-month
 26 period to the Court. Accordingly, the Court denies Plaintiff's application to proceed *in*
 27 *forma pauperis* (ECF No. 1) without prejudice because the application is incomplete. The
 28 Court will grant Plaintiff a **one-time extension** to file a fully complete application to

1 proceed *in forma pauperis* containing all three of the required documents. Plaintiff will file
2 a fully complete application to proceed *in forma pauperis* on or before **July 28, 2020**.
3 Absent unusual circumstances, the Court will not grant any further extensions of time. If
4 Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all
5 three required documents on or before **July 28, 2020**, the Court will dismiss this case
6 without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to
7 acquire all three of the documents needed to file a fully complete application to proceed
8 *in forma pauperis*. To clarify, a dismissal without prejudice means Plaintiff does not give
9 up the right to refile the case with the Court, under a new case number, when Plaintiff has
10 all three documents needed to submit with the application to proceed *in forma pauperis*.
11 Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis*
12 and instead pay the full filing fee of \$400 on or before **July 28, 2020** to proceed with this
13 case. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
14 will not file the complaint unless and until Plaintiff timely files a fully complete application
15 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

16 II. CONCLUSION

17 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
18 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete
19 application to proceed *in forma pauperis* with all three documents.

20 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
21 approved form application to proceed *in forma pauperis* by an inmate, as well as the
22 document entitled information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that on or before **July 28, 2020**, Plaintiff will either
24 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
25 administrative fee) or file with the Court:

26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
28 signatures on page 3),

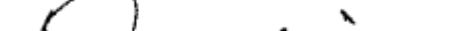
(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

3 (3) a copy of the inmate's prison or jail trust fund account statement for the
4 previous six-month period.

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
6 application to proceed *in forma pauperis* with all three documents or pay the full \$400
7 filing fee for a civil action on or before **July 28, 2020**, the Court will dismiss this action
8 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
9 when Plaintiff has all three documents needed to file a complete application to proceed
10 *in forma pauperis*.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
12 (ECF No.1-1) but will not file it at this time.

13 DATED: May 29, 2020


UNITED STATES MAGISTRATE JUDGE